

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHASE BANK USA, N.A.,

Movant,

v.

M. HARVEY REPHEN & ASSOCIATES,
P.C.,

Respondent.

Miscellaneous No.

Electronically filed

**NOTICE OF MOTION TO COMPEL
DISCOVERY FROM M. HARVEY REPHEN & ASSOCIATES, P.C.**

PLEASE TAKE NOTICE that upon the attached Memorandum of Law, the accompanying Declaration of Amisha R. Patel, sworn to June 3, 2019, and the exhibits attached thereto, Movant Chase Bank USA, N.A. (“Chase”), by and through its counsel at Dechert LLP, hereby moves this Court for entry of an order pursuant to Fed. R. C. P. 45(g), 45(d)(2)(B)(i), and 37(a)(3)(B)(i)-(ii), compelling a corporate representative from M. Harvey Rephen & Associates, P.C. (the “Rephen Firm”) to appear for deposition in New York and the attendant production of pertinent documents from the Rephen Firm’s files, in connection with currently pending litigation before the District of New Jersey, *Malka Lasry v. JP Morgan Chase & Co.*, No. 3:18-cv-09776-PGS-DEA (D.N.J.), and awarding any further relief as the Court deems proper. Chase certifies that it has made good faith efforts to secure the Rephen Firm’s compliance with Chase’s duly served May 8, 2019 Rule 45 Subpoena for deposition

testimony and documents, without requiring court action, but such efforts have been unsuccessful.

Respectfully submitted,

DECHERT LLP

Dated: June 3, 2019

s/ Amisha R. Patel

Amisha R. Patel

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